



Order Filed on May 19, 2020  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-1(b)

**FOX ROTHSCHILD LLP**

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Attorneys for Eric R. Perkins, Chapter 7 Trustee

In Re:

J. SCROFANI CONSTRUCTION CORP.,

Debtor.

Chapter 7

Case No. 17-19984-RG

Judge: Hon. Rosemary Gambardella

**FIFTH CONSENT ORDER TOLLING THE STATUTE OF LIMITATIONS  
FOR THE TRUSTEE TO BRING CLAIMS AGAINST CERTAIN PARTIES**

The relief set forth on the following pages, numbered two (2) through four (4), be and is hereby agreed upon and **ORDERED**

**DATED: May 19, 2020**

A handwritten signature in cursive script that reads "Rosemary Gambardella".  
\_\_\_\_\_  
Honorable Rosemary Gambardella  
United States Bankruptcy Judge

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Debtor: J. Scrofani Construction Corp.  
Case No. 17-19984-RG  
Caption Fifth Consent Order Tolling the Statute of Limitations for the Trustee to  
Bring Claims against Certain Parties

**THIS MATTER**, having been brought before the Court upon the application of Eric R. Perkins (the “Trustee”), the chapter 7 trustee for J. Scrofani Construction Corp. (the “Debtor”), by and through his attorneys, Fox Rothschild LLP, for the entry of the within consent order tolling the statute of limitations for the Trustee to bring claims against certain parties, and

**WHEREAS**, on May 15, 2017, the Debtor filed a voluntary petition for relief under chapter 7 of the United States Bankruptcy Code; and

**WHEREAS**, on May 16, 2017, the Office of the United States Trustee appointed the Trustee to administer the Debtor’s estate; and

**WHEREAS**, the Trustee believes that he may assert valid claims under chapter 5 of the Bankruptcy Code and common law against Lexus Scrofani, who is the adult daughter of the Debtor’s former president and owner, John Scrofani.

**WHEREAS**, the statute of limitations for the Trustee to bring claims against Lexus Scrofani pursuant to 11 U.S.C. § 546(a) originally ran through May 15, 2019; and

**WHEREAS**, pursuant to a series of consent orders agreed to by the Trustee and Lexus Scrofani, the most recent of which was entered on February 19, 2020, the statute of limitations for the Trustee to bring claims against Lexus Scrofani under 11 U.S.C. § 546(a) and other statutes of limitations that may expire in the interim was tolled to May 11, 2020; and

**WHEREAS**, the Trustee continues to have discussions with John Scrofani regarding a potential settlement that may include a resolution of the Trustee’s claims against Lexus Scrofani; and

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Debtor: J. Scrofani Construction Corp.

Case No. 17-19984-RG

Caption Fifth Consent Order Tolling the Statute of Limitations for the Trustee to  
Bring Claims against Certain Parties

**WHEREAS**, the parties, as evidenced by their or their authorized representatives' subscribed consents hereto, have agreed to toll the deadlines for the Trustee to bring claims against the Lexus Scrofani by a period of approximately sixty (60) days to July 10, 2020;

**NOW THEREFORE**, in light of the foregoing, and for good cause shown, it is hereby

**ORDERED** that the time for the Trustee to file complaints against Lexus Scrofani under 11 U.S.C. § 546(a) is hereby tolled to and through July 10, 2020; and it is further

**ORDERED** that any other applicable statute of limitations for the Trustee to bring claims against Lexus Scrofani that may expire between the date hereof and July 10, 2020, or that would have expired between May 15, 2019 and the date hereof, is hereby extended to and through July 10, 2020; and it is further

**ORDERED** that nothing herein shall prejudice the Trustee's right to seek additional relief from the Court further extending any applicable statute of limitations for the Trustee to bring claims against Lexus Scrofani; and it is further

**ORDERED** that nothing in this Order shall be deemed as an admission by any party as to the merits of any claim brought by the Trustee or any defenses asserted by Lexus Scrofani.

Each of the parties, either on behalf of themselves or through their undersigned counsel or authorized representative, hereby consents to the form, substance, and entry of the foregoing order:

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Debtor:

J. Scrofani Construction Corp.

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Caption

Fifth Consent Order Tolling the Statute of Limitations for the Trustee to  
Bring Claims against Certain Parties

ERIC R. PERKINS, CHAPTER 7 TRUSTEE

By: /s/Michael R. Herz

Michael R. Herz

Fox Rothschild LLP

Attorneys for Chapter 7 Trustee

Date:

LEXUS SCROFANI

By: 

Date: 5-8-20

## Certificate of Notice Page 5 of 6

United States Bankruptcy Court  
District of New JerseyIn re:  
J. Scrofani Construction Corp.  
DebtorCase No. 17-19984-RG  
Chapter 7**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
Form ID: pdf903Page 1 of 2  
Total Noticed: 1

Date Rcvd: May 19, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 21, 2020.

db +J. Scrofani Construction Corp., 20 West Sunset Road, Pompton Plains, NJ 07444-1105

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.****Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: May 21, 2020

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 19, 2020 at the address(es) listed below:

Allen J. Underwood, II on behalf of Plaintiff Eric R. Perkins ajunderwood@beckermeisel.com,  
ajunderwood@ecf.courtdrive.com;mambrose@becker.legal

Allen J. Underwood, II on behalf of Trustee Eric R. Perkins ajunderwood@beckermeisel.com,  
ajunderwood@ecf.courtdrive.com;mambrose@becker.legal

Catherine E. Youngman on behalf of Plaintiff Eric Perkins cyoungman@foxrothschild.com,  
NJ54@ecfcbis.com;cbrown@formanlaw.com;cyoungman@formanlaw.com

Charles Virginia on behalf of Creditor New Jersey B.A.C. Health Fund cvirginia@vandallp.com,  
mtenenbaum@vandallp.com

Deirdre E. Burke on behalf of Defendant Mercedes-Benz Financial Services USA, LLC  
dburke@mccarter.com

Deirdre E. Burke on behalf of Creditor Mercedes-Benz Financial Services USA LLC  
dburke@mccarter.com

Eric R. Perkins eperkins@mdmc-law.com,  
nj42@ecfcbis.com;tcolombini@becker.legal;eperkins@becker.legal

Eric Raymond Perkins on behalf of Trustee Eric R. Perkins eperkins@becker.legal,  
nj42@ecfcbis.com;tcolombini@becker.legal;eperkins@becker.legal

J. Alex Kress on behalf of Plaintiff Eric R. Perkins akress@becker.legal,  
mambrose@becker.legal;jalexkress@gmail.com

J. Alex Kress on behalf of Spec. Counsel Becker LLC akress@becker.legal,  
mambrose@becker.legal;jalexkress@gmail.com

Jeffrey Thomas Testa on behalf of Creditor Mercedes-Benz Financial Services USA LLC  
jtesta@mccarter.com, lrestivo@mccarter.com

Jeffrey Thomas Testa on behalf of Defendant Mercedes-Benz Financial Services USA, LLC  
jtesta@mccarter.com, lrestivo@mccarter.com

Jeffrey Thomas Testa on behalf of 3rd Party Plaintiff Mercedes-Benz Financial Services USA,  
LLC jtesta@mccarter.com, lrestivo@mccarter.com

Jeffrey Thomas Testa on behalf of Cross-Claimant Mercedes-Benz Financial Services USA, LLC  
jtesta@mccarter.com, lrestivo@mccarter.com

Joseph A. Caneco on behalf of Trustee Eric R. Perkins jcaneco@foxrothschild.com

Joseph A. Caneco on behalf of Plaintiff Eric Perkins jcaneco@foxrothschild.com

Joseph M. Aronds on behalf of Unknown Role Type Hartz Mountain Industries, Inc.  
joseph.aronds@hrplaw.com

Kathleen M Aiello on behalf of Trustee Eric R. Perkins kaiello@foxrothschild.com,  
dfiore@foxrothschild.com

Mark E. Hall on behalf of Trustee Eric R. Perkins mhall@foxrothschild.com,  
cbrown@foxrothschild.com

Mark E. Hall on behalf of Plaintiff Eric Perkins mhall@foxrothschild.com,  
cbrown@foxrothschild.com

Martin Cabalar on behalf of Creditor Grandview II at Riverwalk Port Imperial Condominium  
Association, Inc. mcabalar@bplegal.com,  
shanzouti@bplegal.com;vmogavero@bplegal.com;sklein@bplegal.com

Martin Fojas on behalf of Creditor New Jersey B.A.C. Health Fund fojasm@gtlaw.com

District/off: 0312-2

User: admin  
Form ID: pdf903

Page 2 of 2  
Total Noticed: 1

Date Rcvd: May 19, 2020

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

Michael R. Herz on behalf of Trustee Eric R. Perkins mherz@foxrothschild.com,  
cbrown@foxrothschild.com  
Michael R. Herz on behalf of Defendant Mercedes-Benz Financial Services USA, LLC  
mherz@foxrothschild.com, cbrown@foxrothschild.com  
Michael R. Herz on behalf of Plaintiff Eric Perkins mherz@foxrothschild.com,  
cbrown@foxrothschild.com  
Ralph A Ferro, Jr on behalf of Debtor J. Scrofani Construction Corp. ralphferrojr@msn.com  
Risa Michele Chalfin on behalf of Unknown Role Type K. Hovnanian at Port Imperial Urban  
Renewal III LLC; K. Hovnanian/Shore Acquisitions, LLC; K. Hovnanian Construction Management,  
Inc.; K. Hovnanian Companies, LLC; K. Hovnanian Companies Northeast, In rchalfin@wilentz.com  
Robert A. Rich on behalf of Defendant Capital One Bank rrich2@hunton.com  
Robert D. Towey on behalf of Trustee Eric R. Perkins rtowey@becker.legal  
Scott J. Freedman on behalf of Creditor PNC Bank, National Association  
sfreedman@dilworthlaw.com  
Seth Ptasiwicz on behalf of Creditor New Jersey Building Laborers Statewide Benefit Funds  
sptasiwicz@krollfirm.com  
Tyler Kandel on behalf of Defendant JPMorgan Chase Bank, N.A. tkandel@sillscummis.com,  
mdelgiudice@sillscummis.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov  
Vipin Varghese on behalf of Creditor Trustees of the International Union of Operating  
Engineers Local 825 Employee Benefit Funds vvarghese@decotiislaw.com,  
plaureano@decotiislaw.com;dcaceres@decotiislaw.com;mdiaz@decotiislaw.com

TOTAL: 34